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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,125	04/23/2001	Shih-Min Wang	3313-0316P-SP	1626
2292	7590	12/02/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			PHU, SANH D	
			ART UNIT	PAPER NUMBER
			2682	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/839,125

Applicant(s)

WANG ET AL.

Examiner

Sanh D Phu

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This Office Action is responsive to the Amendment filed on 7/1/04.

#### *Claim Rejections – 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1–6, 9–12, 15 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang (20020155864), newly-cited.

Regarding to claim 1, see figures 1 and 2, and sections [0016]–[0018], Wang discloses a mobile communicator (see figure 2) comprising a plurality of buttons (15) to input data and a display (21) that is used to show information, the buttons and display are on a body of the mobile communicator wherein the

body is a rigid, non-flip body, and wherein the display is located below the plurality of buttons.

Regarding to claim 2, Wang discloses that the mobile communicator further comprises an antenna (12) on a top of the body (see figure 2).

Regarding to claim 3, Wang discloses that the mobile communicator further comprises a sound-taking aperture (14), which is located between the antenna and the plurality of buttons (see figure 2).

Regarding to claim 4, Wang discloses that the mobile communicator further comprises a sound-sending aperture (23), which is located on the lower position of the body (see figure 5, and section [0022]).

Regarding to claim 5, Wang discloses that the mobile communicator further comprises a sound-sending aperture (23), which is located below the plurality of buttons (see figures 2 and 5).

Regarding to claim 6, Wang discloses that the body has a top and a bottom wherein the display is closer to the bottom than all of the plurality of buttons (15) (see figure 2).

Regarding to claim 9, Wang discloses that the body is one-piece (see figure 2) wherein it inherently cannot move by itself.

Regarding to claim 10, Wang discloses that the body is elongated and has a top and a bottom, all of the plurality of buttons (15) being located closer to the top of the body than the display (see figure 2).

Regarding to claim 11, in Wang mobile communicator, as a hand-held device (shown in figure 2), it is inherently that the body is grippable by a user to present the buttons in a position to be actuated by a thumb of the user.

Regarding to claim 12, Wang discloses that the body has a top and a bottom and the mobile communicator further comprises a sound-taking aperture (14) located at the top of the body and a sound-sending aperture (23) located at the bottom of the body (see figures 2 and 5).

Regarding to claims 15 and 16, Wang discloses that the display (21), sound-taking aperture (14) and buttons (15) are symmetrically arrange about a longitude axis, which extends through and at the middle of the body from the top to the bottom (see figure 2).

3. Claims 1–16 are rejected under 35 U.S.C. 102(e) as being anticipated by Meins et al (6,587,700), previously cited.

Regarding to claim 1, see figures 1 and 6, and col. 3, line 25 to col. 4, line 31 and col. 6, line 50 to col. 10, line 15, Meins et al discloses a mobile communicator (see figure 1) comprising a plurality of buttons (103) to input data and a display (123) that is used to show information, the buttons and display are on a body of the mobile communicator wherein the body inherently becomes as rigid, non-flip body after the body is folded into a folded body, (as shown in figure 6) or after it is unfolded and held tightly by an user for the use of the button and the display, and wherein the display is located below the plurality of buttons after the body is unfolded for the use of the button and the display (see figure 1).

Regarding to claim 2, Meins et al discloses that the mobile communicator further comprises an antenna (109) on a top of the body (see figure 1).

Regarding to claim 3, Meins et al discloses that the mobile communicator further comprises a sound-taking aperture (105), which is located between the antenna and the plurality of buttons (see figure 1).

Regarding to claim 4, Meins et al discloses that the mobile communicator further comprises a sound-sending aperture (129), which is located on the lower position of the body (see figure 1).

Regarding to claim 5, Meins et al discloses that the mobile communicator further comprises a sound-sending aperture (129), which is located below the plurality of buttons (see figure 1).

Regarding to claim 6, Meins et al discloses that the body has a top and a bottom wherein the display is closer to the bottom than all of the plurality of buttons (103) after the body is unfolded for the use of the button and the display (see figure 1).

Regarding to claim 7, Meins et al discloses that the mobile communicator further comprises a sound-sending aperture (129) wherein the display is located between the plurality of buttons and the sound-sending aperture after the body is unfolded for the use of the button and the display (see figure 1).

Regarding to claim 8, Meins et al discloses that the display is between all the plurality of buttons (103) and the sound-sending aperture (see figure 1).

Regarding to claim 9, Meins et al discloses that the body is one-piece (see figure 1) wherein it inherently cannot move by itself.

Regarding to claim 10, Meins et al discloses that the body is elongated and has a top and a bottom, all of the plurality of buttons (103) being located closer to the top of the body than the display after the body is unfolded for the use of the button and the display (see figure 1).

Regarding to claim 11, in Meins et al mobile communicator, as a hand-held device (shown in figure 1), it is inherently that the body is grippable by a user to present the buttons in a position to be actuated by a thumb of the user.

Regarding to claim 12, Meins et al discloses that the body has a top and a bottom and the mobile communicator further comprises a sound-taking aperture (105) located at the top of the body and a sound-sending aperture (129) located at the bottom of the body (see figure 1).

Regarding to claim 13, Meins et al discloses that the display (123) is between the sound-sending aperture (129) and the buttons (103), and the buttons are between the display and the sound-taking aperture (105) (see figure 1).



Regarding to claim 14, Meins et al discloses an antenna (109) located at a top of the body, the sound-taking aperture being between the buttons and the antenna (see figure 1).

Regarding to claims 15 and 16, Meins et al discloses that the display (123), sound-taking aperture (105) and buttons (103) are symmetrically arrange about a longitude axis, which extends through and at the middle of the body from the top to the bottom (see figure 1).

***Claim Rejections – 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 8, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang.

Regarding to claims 7, 8 and 13, Wang discloses that the mobile communicator further comprises a sound-sending aperture (23) (see figure 5). Further regarding to claim 13, Wang discloses that the pluralities of buttons (15) are between the display (21) and the sound-taking aperture (14).

Wang does not disclose that the display is located between the plurality of buttons and the sound-sending aperture.

However, Wang discloses the display and the sound-sending aperture are located in the lower portion (20) below the plurality of buttons (see figures and 5), and he does not disclose where in the lower portion, the sound-sending aperture is located. It would have been obvious for a person skilled in the art, when building or carrying out Wang invention, upon his design preference and without affecting the overall system performance, to implement the sound-sending aperture to be located in the lower portion, in such a way that the display is located between the plurality of buttons and the sound-sending aperture, or to implement the sound-sending aperture to be located at a available place in the lower portion, so that the user's voice can be received and sent.

Regarding to claim 14, Wang discloses an antenna (12) located at a top of the body, the sound-taking aperture (14) being between the buttons (15) and the antenna (see figure 2).

***Response to Arguments***

6. The applicant's arguments filed on 7/1/04 have been fully considered, but not persuasive. The applicant mainly argues that (a) Meins et al does not disclose the body of the mobile communicator is "a rigid, non-flip body", as recited in claim 1; (b) Meins et al does not disclose that the display is closer to the bottom of the body than all of the plurality of buttons, as recited in claim 6; (c) Meins et al does not disclose that the display is between all the plurality of buttons and the sound sending aperture, as recited in claim 8, (d) Meins et al does not disclose that the body is a one piece non-movable structure, as recited in claim 9; and (e) Meins et al does not disclose that all of the plurality of buttons are located closer to the top of the body than the display, as recited in claim 10.

The examiner respectfully disagrees. With reasons set forth above in the

***Claim Rejections:*** (a) Meins et al does disclose the body of the mobile

communicator (shown in figure 1) is “a rigid, non-flip body”, as recited in claim 1 ; (b) Meins et al does disclose that the display (123) is closer to the bottom of the body than all of the plurality of buttons (103), as recited in claim 6; (c) Meins et al does disclose that the display (123) is between all the plurality of buttons (103) and the sound sending aperture (129), as recited in claim 8, (d) Meins et al does disclose that the body is a one piece non-movable structure, as recited in claim 9; and (e) Meins et al does disclose that all of the plurality of buttons (103) are located closer to the top of the body than the display (123), as recited in claim 10. Further, note that the rejections are based on the limitations recited in claims. Claims 1, 6, 8-10 do not have other limitations to make the “rigid, non-flip body” to be distinguishable from Meins “rigid, non-flip body” (for claim 1), to make “all the plurality of buttons” to be distinguishable from Meins “all the plurality of buttons” (103) (for claims 6, 8 and 10), to make “one piece non-movable structure” distinguishable from Meins “one piece non-movable structure”.

*Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D Phu whose telephone number is (703)305-8635. The examiner can normally be reached on 8:00-16:30.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sanh D. Phu  
Examiner  
Art Unit 2682

SP

  
LEE NGUYEN  
PRIMARY EXAMINER